



# The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

Phone (302) 998-2215 Fax (302) 998-9920

## Application for Hearing



Board of Adjustment



Planning Commission

Petition # 10-09 Filing Fee: \$300 Date Received 9/13/2010 Received by: [Signature]

Subject Property: 1107 Kirkwood Highway

Mayor

Deborah A. Norkavage

Property is: ☐ Residential ☒ Commercial

1<sup>st</sup> District Councilman

John Jaremchuk Jr.

Tax Parcel # 1900400058 Zoning District: Community Commercial

2<sup>nd</sup> District Councilman

Steven Burg

Applicant name: CLEAR WIRELESS, LLC CLEAR WIRELESS  
(SITE # PA-PHL2048)

Address: c/o Princeton Tower, 156 Tamarack Circle Telephone # 717-732-1665

3<sup>rd</sup> District Councilman  
President Pro-Tempor

Thomas S. Novak Jr.

City: Skillman State: NJ Zip Code: 08558

Application for Planning Commission Review of: N/A

4<sup>th</sup> District Councilman

Charles McKewen

Application for Zoning Variance Related to: Chapter 225-19 (C), Special Exception Use

5<sup>th</sup> District Councilwoman  
Secretary of Council

Joann I. Personti

☐ Front yard setback

☐ Lot Coverage

☐ Rear yard setback

☐ Fencing

☐ Side yard setback

☐ Parking requirements

6<sup>th</sup> District Councilman

John Pasquale Jr.

☐ Lot Area

☐ Signage

Town Treasurer

Paul Chalfant

Application for Special Exception Use Permit for the following use: INSTALLATION  
OF WIRELESS COMMUNICATIONS ANTENNAS AND GROUND EQUIPMENT.

City Solicitor

Edward McNally

Application for Appeal of an Administrative decision: N/A

By: N/A Date: N/A

For the following reasons: N/A

Application for relief other than above: N/A

A Council – Manager Municipality  
Located on the Net at [townofelsmere.com](http://townofelsmere.com)

RECEIVED  
SEP 13 2010

BY: [Signature]

State reasons for this request: INSTALLATION OF WIRELESS ANTENNAS  
ONTO EXISTING TOWER AND INSTALLATION OF ASSOCIATED GROUND  
EQUIPMENT AS DEPICTED IN THE CLEAR WIRELESS DRAWINGS  
ATTACHED TO THIS APPLICATION.

Has a previous application for this property been filed with the Town? ☒ Yes ☐ No

If yes, Petition # 09-08 (THIS IS THE PREVIOUS METRO PLS APPLICATION NUMBER.)

If the applicant is not the Legal Owner of the property:

Legal owner information:

Name: Elsmere Fire Company No. 1

Address: 1107 Kirkwood Highway Telephone # 302-996-0600

City: Wilmington State: DE Zip Code: 19805

Please submit the following with this petition:

- A copy of a plot plan showing the following: location of the property; a diagram showing the layout, size, and location of existing structures on the property; a diagram showing the layout, size, and location of any proposed structures on the property.
- A copy of any deed restrictions on the property.  
NOTE: THE BOARD OF ADJUSTMENT OR PLANNING COMMISSION CANNOT APPROVE ANY APPLICATION PROHIBITED BY DEED RESTRICTIONS.
- Filing fee, payable to the Town of Elsmere.

The undersigned hereby certifies that the legal owner of the subject property is aware of, and agrees to the filing of this application, that the information submitted herein is correct, and agrees to be bound by any decision of the Town of Elsmere Board of Adjustment with respect to the subject property.

**NOTE: The legal owner or his/her authorized representative must sign this form.**

Applicant's Signature: Philip S. Duxek PHILIP S. DUXEK  
ON BEHALF OF  
CLEAR WIRELESS, LLC Date: 8/30/2010

Legal Owner's Signature: James Puntke, PRESIDENT Date: 9/01/2010

In addition to the persons listed above please send copies of all correspondence to:

Name: N/A

Address: N/A Telephone # N/A

City: N/A State: N/A Zip Code: N/A

**Site Analysis**  
**Petition 10-09**

**Property Owner:** Elsmere Fire Company  
**Zoning District:** CC  
**Address:** 1107 Kirkwood Hwy  
**Parcel No.:** 1900400058

**Primary Use: Commercial**

**LOT COVERAGE CALCULATIONS**

<b>Lot Area in Sq. Ft.:</b>	<b>n/a</b>	Sq. Ft.
<b>Allowable Lot Coverage:</b>	<b>n/a</b>	Sq. Ft. ( 30 %)
<b>Total Coverage:</b>		Sq. Ft. (    %)
❖ Residence=		Sq. Ft.
❖ Front Porch =		Sq. Ft.
❖ Garage=		Sq. Ft.
❖ Driveway=		Sq. Ft.
❖ Rear Patio=		Sq. Ft.

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<b>Proposed Addition:</b>	<b>n/a</b>	Sq. Ft.
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<b>Proposed Total:</b>	<b>n/a</b>	Sq. Ft. (    %)
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**Conclusion:**

<b>Required Setbacks:</b>	Front:	Rear:
	Side:	Both Sides:
<b>Existing Setbacks:</b>	Front:	Rear:
	Side:	Both Sides:
<b>Proposed Setbacks:</b>	Front:	Rear:
	Side:	Both Sides:

**Conclusion:**

**STATEMENT OF FACT**

Wireless Communications equipment is a "Public Utility" use and therefore a special exception use permit is required for a "Community Commercial" district.

**ISSUE**

Special exception use permits require a public hearing by the Board of Adjustment.





**ELSMERE  
FIRE COMPANY**  
ORGANIZED 1921 NO.1, INC.

Elsmere Fire Company #1  
President: Joseph Leonetti  
1107 Kirkwood Highway  
Wilmington, DE 19805  
cell: 302-275-9768

The Town of Elsmere  
11 Popular Ave.  
Elsmere, DE 19805  
302-998-2215

August 31<sup>st</sup>, 2010

Re: Parcel 19-004.00-058 deed restrictions

To whom it may concern,

Parcel 19-004.00-058 is owned by the Elsmere Fire Company #1. There are no deed restrictions on this parcel that prohibit the use of this parcel in the manner Clear Wireless, LLC intends to utilize the parcel. This information is being provided to the Town of Elsmere in conjunction with Clear Wireless, LLC's application for a Special Exception Use Permit under Chapter 225-19 of the Town of Elsmere's zoning code.

Clear Wireless is proposing to install wireless antennas and equipment onto the existing tower located at 1107 Kirkwood Highway.

Thank You,

  
\_\_\_\_\_  
Joseph Leonetti  
President of Elsmere Fire Company #1



Notary: 

*Meet First Monday Each Month*

1107 Kirkwood Highway • Elsmere, DE 19805 • (302) 999-0183 • FAX (302) 999-1721